

ENTERED

March 12, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BAKER HUGHES OILFIELD OPERATIONS §
LLC, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. 4:17-CV-1422
§
PACKERS PLUS ENERGY SERVICES INC, §
et al, §
§
Defendants. §

OPINION AND ORDER

Pending before the Court in the above-referenced cause, and under FED. R. CIV. P. 7(a), 12(b), and 12(f), is Plaintiff Baker Hughes Oilfield Operations LLC’s (“Baker Hughes”) Motion to Dismiss, or Alternatively Motion to Strike Defendant’s Counterclaims, Doc. 55, and Defendants Packers Plus Energy Services Inc. and Packers Plus Energy Services (USA) Inc.’s (together, “Packers Plus”) Response, Doc. 64. Having considered the Motions, the facts in the record, and the applicable law, the Court concludes that Baker Hughes’ Motion should be denied.

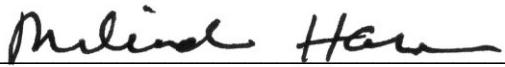
On January 24, 2017, Packers filed a stand-alone document labeled Packers Plus’s Counterclaims against Baker Hughes. Doc. 46. Subsequently, Baker Hughes filed its motion to strike. Doc. 55. On February 23, 2018, the Court granted leave to Baker Hughes to file its First Amended Complaint (“FAC”). Docs. 58, 59. Subsequently, Packers Plus answered the FAC, attaching affirmative defenses and counterclaims, Doc. 62, and that same day it also filed a Response to Baker Hughes’s Motion. Doc. 64

Baker Hughes asserts that Packers Plus cannot assert its counterclaim as a “standalone document.” Doc. 55 (citing FED. R. CIV. P. 7 and 13(a)). The Court agrees. But at the time of the

Motion, Packers Plus had not filed its Answer. And in answering the FAC, Packers Plus incorporated its counterclaims into its Answer, rendering Baker Hughes's assertion moot. Doc. 62 at 10–27. Accordingly, the Court hereby

ORDERS that Baker Hughes's Motion to Dismiss, or Alternatively Motion to Strike Defendant's Counterclaims, Doc. 55, is **DENIED**.

SIGNED at Houston, Texas, this 12th day of March, 2018.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE